## Case 3:05-cv-02641-JSW Document 128 Filed 09/01/06 Page 1 of 8 1 UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA 2 SAN FRANCISCO DIVISION 3 U.S. COMMODITY FUTURES TRADING COMMISSION et al., 4 STIPULATION TO PROPOSED 5 ) CONSENT ORDER OF PERMANENT Plaintiffs, INJUNCTION AND 6 ) OTHER EQUITABLE RELIEF AGAINST VS. ) DEFENDANTS PACIFIC BEST 7 NATIONAL INVESTMENT ) GROUP LTD, NATIONAL INVESTMENT ) CONSULTANTS, INC, WEI MAN TSE, 8 CONSULTANTS, INC., et al., ) RUN PING ZHOU, YI KERRY XU AND Defendants, 9 ) RELIEF DEFENDANT THERESA WONG and ) (PROPOSED ORDER) 10 ) Case No.: 05-cv-02641-JSW THERESA C. WONG, an individual, 11 Relief Defendant. 12 Judge: The Hon. Jeffrey S. White 13 14 15 It is hereby agreed that the following modifications are made to the PROPOSED 16 CONSENT ORDER OF PERMANENT INJUNCTION AND OTHER EQUITABLE RELIEF 17 AGAINST DEFENDANTS PACIFIC BEST GROUP LTD, NATIONAL INVESTMENT 18 CONSULTANTS, INC, WEI MAN TSE, RUN PING ZHOU, YI KERRY XU AND RELIEF 19 20 **DEFENDANT THERESA WONG:** 21 Page 14 line 3: Change "Pacific Best: \$120,000" to "Pacific Best: \$100,000"; 22 Page 14 line 4: Change "NICI: \$120,000" to "NICI: \$100,000"; 23 Page 14 line 5: Change "Raymond Tse: \$100,000" to "Raymond Tse: \$82,000"; 24 Page 14 line 6: Change "Flora Zhou: \$78,500" to "Flora Zhou: \$65,500"; 25 Page 14 line 10: Change "Pacific Best: \$40,000" to "Pacific Best: \$20,000"; 26 27 Page 14 line 11: Change "NICI: \$30,000" to "NICI: \$20,000"; 28 Page 14 line 12: Change "Raymond Tse: \$29,250" to "Raymond Tse: \$18,000";

	Case 3.05-cv-02641-35W Document 128 Filed 09/01/06 Page 2 018
1	Page 14 line 13: Change "Flora Zhou: \$29,000" to "Flora Zhou: \$13,000";
2	Page 14 lines 14 and 15: Delete "Defendants' State of California Civil Monetary Penalty shall be
3	offset by any Civil Monetary Penalty payment made to the Commission";
4	Page 15 line 6: Add at end of sentence "and the Department of Corporations for the State of
5	California as set forth above.";
6	
7	Page 24 lines 20 and 21: Change "COMMODITIES" to "COMMODITY".  September
8	SO ORDERED, this 1st day of 2006, at San Francisco California.
9	Lethous Swhite
10	THE YONGRABLE JEFFREY S. WHITE UNITED STATES DISTRICT JUDGE
11	
12	Consented to and approved for entry by:
13	
14	PLAINTIFFS:
15	COMMODITY FUTURES TRADING COMMISSION
16	
17	By: Kevin K. Batteh
18	Gretchen L. Lowe Attorneys for Commodity Futures Trading Commission
19	1155 21 <sup>st</sup> Street, NW Washington, DC 20581
20	Washington, De 20001
21	COMMISSIONER OF CORPORATIONS
22	STATE OF CALIFORNIA
23	By: Preston DuFauchard
24	California Corporations Commissioner
25	Alan S. Weinger Acting Deputy Commissioner
26	Edward Kelly Shinnick Corporations Counsel
27	71 Stevenson Street
2.8	San Francisco, CA 94105-2908

## Case 3:05-cv-02641-JSW Document 128 Filed 09/01/06 Page 3 of 8

**DEFENDANTS:** Edward Gartenberg. Thelen Reid & Priest LLP Relief Defendant Theresa Wong Edward Gartenberg. Thelen Reid & Priest LLP Pacific Best Company, Ltd, John W. Cotton. Cotton & Gundzik, LLP Attorneys for Yi Kerry Xu Fred Koningsberg 

Attorneys for Defendants Pacific Best Company, Ltd, National Investment Consultants, Inc., Raymond Tse, and

Attorneys with authority to sign for Defendant

Attorney for Defendant Run Ping Zhou

	Cons 2:05 at 02041 ICM Decrement 120 Filed 00/01/00 Page 4 of 0
	Case 3:05-cv-02641-JSW Document 128 Filed 09/01/06 Page 4 of 8
1	Page 14 line 13: Change "Flora Zhou: \$29,000" to "Flora Zhou: \$13,000";
2	Page 14 lines 14 and 15: Delete "Defendants' State of California Civil Monetary Penalty shall be
3	offset by any Civil Monetary Penalty payment made to the Commission";
4	Page 15 line 6: Add at end of sentence "and the Department of Corporations for the State of
5	
6	California as set forth above.";
7	Page 24 lines 20 and 21: Change "COMMODITIES" to "COMMODITY".
8	SO ORDERED, this day of, 2006, at San Francisco California.
9	
10	THE HONORABLE JEFFREY S. WHITE UNITED STATES DISTRICT JUDGE
11	ONTED STATES DISTRICT JUDGE
12	Consented to and approved for entry by:
13	
14	
15	PLAINTIFFS:
16	COMMODITY FUTURES TRADING COMMISSION
17	Keri Batto
18	By: Kevin K. Batteh
19	Gretchen L. Lowe
20	Attorneys for Commodity Futures Trading Commission 1155 21 <sup>st</sup> Street, NW
	Washington, DC 20581
21	
22	COMMISSIONER OF CORPORATIONS STATE OF CALIFORNIA
23	
24	By: Preston DuFauchard
25	California Corporations Commissioner Alan S. Weinger
26	Acting Deputy Commissioner
27	Edward Kelly Shinnick Corporations Counsel
28	71 Stevenson Street

	Case 3:05-cv-02641-JSW Document 128 Filed 09/01/06 Page 5 of 8
1	Page 14 line 13: Change "Flora Zhou: \$29,000" to "Flora Zhou: \$13,000";
2	Page 14 lines 14 and 15: Delete "Defendants' State of California Civil Monetary Penalty shall be
3	offset by any Civil Monetary Penalty payment made to the Commission";
4	Page 15 line 6: Add at end of sentence "and the Department of Corporations for the State of
5	
6	California as set forth above.";
7	Page 24 lines 20 and 21: Change "COMMODITIES" to "COMMODITY".
8	SO ORDERED, this day of, 2006, at San Francisco California.
9	
10	THE HONORABLE JEFFREY S. WHITE UNITED STATES DISTRICT JUDGE
11	ONTED STATES DISTRICT JODGE
12	Consented to and approved for entry by:
13	
14	PLAINTIFFS:
15	
16	COMMODITY FUTURES TRADING COMMISSION
17	By: Kevin K. Batteh
18	Gretchen L. Lowe
19	Attorneys for Commodity Futures Trading Commission 1155 21 <sup>st</sup> Street, NW
20	Washington, DC 20581
21	COMMISSIONER OF CORPORATIONS
22	STATE OF CALIFORNIA
23	2 Milled T
24	By: Preston DuFauchard California Corporations Commissioner
25	Alan S. Weinger Acting Deputy Commissioner
26	Edward Kelly Shinnick
27	Corporations Counsel 71 Stevenson Street
28	San Francisco, CA 94105-2908

**DEFENDANTS:** Edward Gartenberg. Thelen Reid & Priest LLP Attorneys for Defendants Pacific Best Company, Ltd, National Investment Consultants, Inc., Raymond Tse, and Relief Defendant Theresa Wong durie Edward Gartenberg. Thelen Reid & Priest LLP Specially Appearing for Defendant Pacific Best Company, Ltd, John W. Cotton. Cotton & Gundzik, LLP Attorneys for Yi Kerry Xu Fred Koningsberg Attorney for Defendant Run Ping Zhou 

## Case 3:05-cv-02641-JSW Document 128 Filed 09/01/06 Page 7 of 8

DEFENDANTS:

Edward Gartenberg.
Thelen Reid & Priest LLP
Attorneys for Defendants Pacific Best
Company, Ltd, National Investment
Consultants, Inc., Raymond Tse, and
Relief Defendant Theresa Wong

Edward Gartenberg.
Thelen Reid & Priest LLP
Attorneys with authority to sign for Defendant
Pacific Best Company, Ltd,

John W. Cotton.
Cotton & Gundzik, LLP
Attorneys for Yi Kerry Xu

Fred Koningsberg
Attorney for Defendant Run Ping Zhou

1	Case 3:05-cv-02641-JSW Document 128 Filed 09/01/06 Page 8 of 8
2	DEFENDANTS:
3	
4	Edward Gartenberg.
5	Thelen Reid & Priest LLP Attorneys for Defendants Pacific Best
6	Company, Ltd, National Investment Consultants, Inc., Raymond Tse, and
7	Relief Defendant Theresa Wong
8	
9	Edward Gartenberg. Thelen Reid & Priest LLP
10	Attorneys with authority to sign for Defendant Pacific Best Company, Ltd,
11	
12	
13	John W. Cotton. Cotton & Gundzik, LLP
14	Attorneys for Yi Kerry Xu
15	red Konigsberg Deleted: n
1	/ Italian in
16	Attorney for Defendant Run Ping Zhou
16 17	Attorney for Defendant Run Ping Zhou
	Attorney for Defendant Run Ping Zhou
17 18 19	Attorney for Defendant Run Ping Zhou
17 18 19 20	Attorney for Defendant Run Ping Zhou
17 18 19 20 21	Attorney for Defendant Run Ping Zhou
17 18 19 20 21 22	Attorney for Defendant Run Ping Zhou
17 18 19 20 21 22 23	Attorney for Defendant Run Ping Zhou
17 18 19 20 21 22 23 24	Attorney for Defendant Run Ping Zhou
17 18 19 20 21 22 23 24 25	Attorney for Defendant Run Ping Zhou
17 18 19 20 21 22 23 24 25 26	Attorney for Defendant Run Ping Zhou
17 18 19 20 21 22 23 24 25 26 27	Attorney for Defendant Run Ping Zhou
17 18 19 20 21 22 23 24 25 26	Attorney for Defendant Run Ping Zhou  3
17 18 19 20 21 22 23 24 25 26 27	Attorney for Defendant Run Ping Zhou